

Exhibit 6

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of
Plaintiffs' Opposition to Defendants' Joint Motion for Partial Summary Judgment

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY

AVERAGE WHOLESALE PRICE

LITIGATION

_____/

THIS DOCUMENT RELATES TO MDL No. 1456

State of California, ex rel. Civil Action:

Ven-A-Care v. Abbott 01-12258-PBS

Laboratories, Inc., et al.

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TUESDAY, SEPTEMBER 23, 2008

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VIDEOTAPED DEPOSITION OF

DOUGLAS B. HILLBLOM

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Reported By: CAROL NYGARD DROBNY, CSR No. 4018

Registered Merit Reporter

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1 discussions where the concept of using invoices as
2 a basis for reimbursement for pharmacy dispensed
3 prescription drugs was the topic of conversation?

4 A. Not what I would call a "discussion" --
5 a flippant remark maybe.

6 Q. By whom?

7 A. I can't recall.

8 Q. Did you ever make that kind of a
9 flippant remark?

10 A. Not that I recall.

11 Q. Recall ever considering why it wasn't --
12 why wasn't it possible to reimburse prescription
13 drugs on the same basis as blood clotting factors,
14 for example?

15 MR. PAUL: Objection to form.

16 THE WITNESS: Pharmacy reimbursement is a
17 multi-component item.

18 Cost of the drug product is only one
19 component.

20 BY MR. BUEKER:

21 Q. The other component is dispensing fee;
22 correct?

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1 A. Correct.

2 Q. And that's a rate that was set
3 independently of the ingredient cost reimbursement
4 rate; is that fair?

5 A. Yes.

6 Q. And together the two had to total
7 something that the Department considered
8 reasonable; right?

9 A. Yes.

10 Q. But in terms of the actual calculation
11 of the two components, the calculation of the two
12 components, that portion of it was done separately?

13 A. Yes.

14 Q. So it would have been possible to
15 calculate the ingredient cost rates in a -- in a
16 different way?

17 MR. PAUL: Objection to form.

18 THE WITNESS: Could you please clarify
19 what you mean by "different form."

20 BY MR. BUEKER:

21 Q. Yeah.

22 It would have been possible to calculate

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1 Q. To your knowledge did the -- during your
2 time at the Department of Health Services did the
3 Department of Health Services have an expectation
4 that drug manufacturers would report the AWP to
5 First DataBank honestly and truthfully?

6 MR. BUEKER: Objection to form.

7 MS. BERWANGER: Objection to form.

8 MR. ROBBEN: I thought he wasn't a
9 30(b)(6) witness.

10 THE WITNESS: My understanding is that
11 the expectation of the Department was that the --
12 the data supplied was the appropriate data, that it
13 was accurate.

14 BY MR. PAUL:

15 Q. To your knowledge has any pharmaceutical
16 manufacturer ever sent -- during your tenure at DHS
17 ever sent DHS written information stating what the
18 manufacturer's AWP was based on?

19 A. No.

20 Q. So that would -- your answer would
21 obviously apply to Mylan, Sandoz, Geneva, Dey,
22 Warrick, and Schering, since they're drug